

EXHIBIT A

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

<p>FUSION ELITE ALL STARS, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Varsity Brands, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2:20-cv-02600-SHL-tmp Jury Trial Demanded</p>
<p>AMERICAN SPIRIT AND CHEER ESSENTIALS, INC., <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Varsity Brands, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2:20-cv-02782-SHL-tmp Jury Trial Demanded</p>
<p>JESSICA JONES, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Varsity Brands, LLC; <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 2:20-cv-02892-SHL-tmp Jury Trial Demanded</p>

**DECLARATION OF MATTHEW S. MULQUEEN IN SUPPORT OF MOTION FOR
PROTECTIVE ORDER REQUIRING COORDINATION AND LIMITING TIME FOR
THIRD PARTY DEPOSITIONS**

I, Matthew S. Mulqueen, declare as follows:

- I am counsel to Varsity Spirit, LLC (“Varsity”), Varsity Brands, LLC, Varsity Brands Holding Co., Inc., Varsity Spirit Fashions & Supplies, LLC, Bain Capital, LP, and

Charlesbank Capital Partners, LLC in the above-captioned actions and have been personally involved in the matters described below.

2. I, along with co-counsel, have been in communication with Plaintiffs' counsel to schedule numerous depositions before the close of discovery on April 18, 2022. I have received numerous subpoenas and deposition notices from Plaintiffs and have participated in several of the depositions that have already taken place. I have personal knowledge of these events as described below.

3. Plaintiffs have taken, noticed, or proposed to take approximately fifty-five depositions in these three cases.

4. Plaintiffs have noticed approximately twenty-seven depositions to take place between March 1, 2022 and the close of discovery on April 18, 2021. There are additional deponents that Plaintiffs have subpoenaed or proposed for depositions during that same time period but have not yet noticed to Defendants.

5. Plaintiffs took approximately six depositions between the opening of fact discovery and March 1, 2022.

6. Plaintiffs in *Fusion Elite*, Case No. 20-2600, have taken approximately nineteen depositions as of March 25, 2021.

7. Plaintiffs in *Jones*, Case No. 20-2892, and *American Spirit*, Case No. 20-2782, have taken approximately 18 depositions each as of March 25, 2021.

8. On November 15, 2021 and March 2, 2022, Plaintiffs issued Rule 30(b)(6) deposition notices to Varsity Brands, LLC, Varsity Spirit, LLC, and Varsity Spirit Fashions & Supplies, LLC with one-hundred and twenty proposed deposition topics. Copies of those deposition notices are attached as **Exhibit 1**.

9. On March 11, 2022, Plaintiffs in *Jones* issued Rule 30(b)(6) notices with 33 topics each as to Bain Capital Private Equity and Charlesbank Capital Partners. True and correct copies of these notices are attached as **Exhibit 2**.

10. On January 6, 2022, Plaintiffs issued a subpoena for the deposition of former Varsity employee Kevin Brubaker with a deposition date of February 15, 2022. Plaintiffs did not issue a notice of deposition for Mr. Brubaker and the date in the subpoena passed without the deposition taking place. A copy of the subpoena is attached as **Exhibit 3**.

11. On February 18, 2022, Plaintiffs issued a subpoena for the deposition of former Varsity employee Abeldeliz Rosa with a deposition date of April 4, 2022. Plaintiffs have not yet issued a notice of deposition confirming that date for Mr. Rosa. A copy of the subpoena is attached as **Exhibit 4**.

12. On March 15, 2022, Plaintiffs issued a notice for the deposition of Marlene Cota to commence on April 6, 2021. In communications with Plaintiffs' counsel regarding the scheduling of Ms. Cota's deposition, Plaintiffs took the position that they may depose Ms. Cota for upwards of 14 hours over 2 days. A copy of the notice of deposition is attached as **Exhibit 5**.

13. On March 23, 2022, Plaintiffs noticed Josh Quintero's deposition for March 29, 2021—a total of only six days of notice. A copy of the notice of deposition is attached as **Exhibit 6**.

14. On March 24, 2022, I communicated with Mr. Quintero's counsel via telephone. Mr. Quintero's counsel stated that he demanded, and Plaintiffs agreed, to limit Mr. Quintero's deposition to a single day of seven hours.

15. On March 24, 2022, Plaintiffs issued a subpoena for the deposition of former Varsity employee Cole Stott with a deposition date of April 11, 2022. (Counsel for Defendants

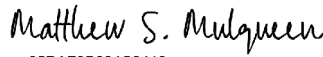
have previously told Plaintiffs that counsel for Defendants are not available on April 11th in connection with discussions regarding Ms. Cota's deposition.) Plaintiffs have not yet issued a notice of deposition confirming that date for Mr. Stott. A copy of the subpoena is attached as **Exhibit 7**.

16. Plaintiffs have completed the following depositions as described in the Motion for Protective Order:

- i. On November 16-17, 2021, Plaintiffs deposed Brian Elza. *See* Excerpts from Elza Dep. Tr. Day 1; Elza Dep. Tr. Day 2, attached as **Exhibit 8** (filed under seal).
- ii. On November 22, 2021, Plaintiffs deposed Tres LeTard. *See* Excerpts from LeTard Dep. Tr., attached as **Exhibit 9** (filed under seal).
- iii. On December 9, 2021, Plaintiffs deposed Nicole Lauchaire. *See* Excerpts from Lauchaire Dep. Tr., attached as **Exhibit 10** (filed under seal).
- iv. On January 11, 2022, Plaintiffs deposed Damianne Albee. *See* Excerpts from Albee Dep. Tr., attached as **Exhibit 11** (filed under seal).
- v. On February 23-24, 2022, Plaintiffs deposed Craig Davis. *See* Excerpts from Davis Dep. Tr. Day 1; Davis Dep. Tr. Day 2, attached as **Exhibit 12** (filed under seal).
- vi. On March 3 and 21, 2022, Plaintiffs deposed Jamie Parrish. *See* Excerpts from Parrish Dep. Tr. (Final and Rough), attached as **Exhibit 13** (filed under seal).
- vii. On March 9, 2022, Plaintiffs deposed Steve Peterson. *See* Excerpts from Peterson Dep. Tr., attached as **Exhibit 14** (filed under seal).

- viii. On March 10, 2022, Plaintiffs deposed Pashupati Nangia. *See* Excerpts from Nangia Dep. Tr., attached as **Exhibit 15** (filed under seal).
- ix. On March 16, 2022, Plaintiffs deposed Jackie Kennedy. *See* Excerpts from Kennedy Dep. Rough Tr., attached as **Exhibit 16** (filed under seal).
- x. On March 21, 2022, Plaintiffs deposed Jim Hill. *See* Excerpts from Hill Dep. Rough Tr., attached as **Exhibit 17** (filed under seal).

17. I declare under penalty of perjury that the foregoing is true and correct. Executed on March 25, 2022.

DocuSigned by:

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Matthew S. Mulqueen